

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation

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**Master File No. 1:00 - 1898  
MDL 1358 (SAS)  
M21-88**

**This Document Relates to:**

*New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*  
No. 1:08-cv-00312-SAS

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**PLAINTIFFS’ NOTICE OF  
MOTION TO ENFORCE  
WAIVER AND  
DECLASSIFICATION  
PROVISIONS OF PROTECTIVE  
ORDERS**

PLEASE TAKE NOTICE THAT Plaintiffs New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund hereby move this Court, before the Honorable Shira A. Scheindlin, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York, Courtroom 15C, at a date and time to be determined by the Court, for an Order that:

- 1) Declassifies all documents and data produced pursuant to protective orders that were entered in favor of The Hamner Institute and Experimental Pathology Laboratories in the above-referenced MDL; and
- 2) Decree that said protective orders’ confidentiality obligations do not apply to all exhibits to and testimony in the transcripts from the depositions of Dr. Darol Dodd and Dr. Gabrielle Willson, which were taken on July 27 and 30, 2012, and on July 26 and 27, 2012, respectively.

This Motion is based on this Notice of Motion, and on the following accompanying documents:

- 1) Plaintiffs' Motion to Enforce Waiver and Declassification Provisions of Protective Orders, which has been filed under seal pursuant to the protective orders;
- 2) Sealed Declaration of Bryan Barnhart in Support of Plaintiffs' Motion to Enforce Waiver and Declassification Provisions of Protective Orders, which has been filed under seal pursuant to the protective orders;
- 3) Declaration of Michael Axline in Support of Plaintiffs' Motion to Enforce Waiver and Declassification Provisions of Protective Orders; and
- 4) Declaration of Bryan Barnhart in Support of Plaintiffs' Motion to Enforce Waiver and Declassification Provisions of Protective Orders.

Respectfully submitted,

DATED: July 2, 2014

Bryan Barnhart  
BRYAN BARNHART  
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1                   **PROOF OF SERVICE VIA LEXISNEXIS FILE & SERVE**

2                   *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*  
United States District Court, Southern District of New York, Case No. 08 Civ. 00312 (SAS)

3                   I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein  
referred to, over the age of 18 years and not a party to this action. My business address is 1050  
4                   Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

5                   On the date below, I served the following document on all counsel in this action  
electronically through LexisNexis File & Serve:

6                   **PLAINTIFFS' NOTICE OF MOTION TO ENFORCE WAIVER AND  
7                   DECLASSIFICATION PROVISIONS OF PROTECTIVE ORDERS**

8                   I declare under penalty of perjury under the laws of the United States of America and the  
State of California that the foregoing is true and correct.

9                   Executed on July 2, 2014, at Sacramento, California.

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12                   KATHY HERRON

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